

Leesburg Zoning Ordinance Use Table

Please use the links below to find the definitions for uses types, districts where uses are allowed and any use standards that may apply.

For more information, please contact Town Zoning Staff at 703-771-2765.

Use Type	R E	R 1	R 2	R 4	R 6	R H D	R 8	R 1 6	R 2 2	O 1	B 1	B 2	B 3	B 4	I 1	Use Standard
P = Permitted by Right S = Special Exception Approval Required (Sec. 3.4)																
Agricultural Uses																
Farming	P														P	
Nursery	P														P	
Stable	P														P	
Commercial Uses																
Bank with drive-in facility											S	S	S	S		
Bank without drive-in facility											P	P	P	P		
Bed and breakfast inn	S	S	S			S					P					
Bowling alley												P	S			
Brewpub											P	P	P	P		Sec. 9.3.2.1
Brewpub with Silo											S	S	S	S		Sec. 9.3.2.1
Microbrewery												S	S	S	P	Sec.9.3.13.1
Car wash												S	S	S		Sec. 9.3.3
Cattery												P	P		P	Sec. 9.3.12.1
Child care center	S	S	S	S	S	S		S	S	S	S	S	P	P	S/P	Sec. 9.3.4
Commercial Inn											P	P	P	P		
Conference center										P	S	S	S	S	S	
Convenience food store											S	S		S		Sec. 9.3.8
Country club	P	P														
Eating establishment with drive-in facility												S	S	S		
Eating establishment without drive-in facility											P	P	P	P	S	Sec. 9.3.9
Electric and/or plumbing supply												S	S	S	S	Sec. 9.3.10
Electronic Data Storage Center															P	
Emergency care facility	S									S	S	S	P	P		
Funeral home											S	P	S			
Crematorium (Accessory to a Funeral Home)											S	S	S			Sec. 9.3.6.1
Golf course	P	P														
Golf driving range	S															
Heliport														S	S	
Home occupation	P	P	P	P	P	P	P	P	P		P	P		P		

[illegible]

Use Type	R E	R 1	R 2	R 4	R 6	R H D	R 8	R 1 6	R 2 2	O 1	B 1	B 2	B 3	B 4	I 1	Use Standard
Institutional and Community Service Uses																
Assisted living residence				S	S	S	S	S	S							Sec. 9.3.1
Cemetery	S	S	S	S	S	S	S				P					
Club	S				S					P	P	P	S			
Commuter Parking Lot													P			
College or University										P		P	P	P		See MC Dist.
Fire and/or rescue facility	P	P	P	S	S	S	S	S	S	P	P	P	P	P	P	
Golf course	P	P														
Hospital												S	P			
Library	P	P	P	S	S	S	S	S	S	P	P	P	P	P		
Museum										P	P	P	P			
Nursing home	S	S						S	S							Sec. 9.3.17
Park, dog													P			Sec. 9.3.7
Park, public	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Parking structure, public											S	S	S	S	S	Sec. 9.3.18
Place of worship	S	S	S	S	S	S	S	S	S	S	P	P	P	S	S	
Place of worship, in existing building only															P	
Recreation facility	P	P	P	S	S	S	S	S	S	P	P	P	P	P		Sec. 9.3.21
School, general education	S	S	S	S	S		S	S	S		S	S	S	S		
School, public	P	P	P	S	S		S	S	S			P		S		
School, technical												S	S	S	S	
Temporary commuter parking lot												S				Sec. 9.3.27
U.S. Postal Service	S	S	S							P	P	P	P	P	S	
Residential Uses																
Single-family detached dwelling	P	P	P	P	P	P	P				P			S		
Single-family attached (townhouse)							P	P	P		P			S		Sec. 9.3.25
Duplex					P	P	P				P			S		
Extended Family Residence				P/S	P/S		P/S									Sec. 9.3.11
Multiple-family (6 or more dwelling units)								P	P		S	S		S		Sec. 9.3.15
Multiple-family (up to 5 dwelling units)								P	P		P	S		S		Sec. 9.3.15
Residential cluster development			P	P	P		P									Sec. 10.3.1
Accessory dwelling unit	S	S	S			S					S					Sec. 9.4.1
Group home	P	P	P	P	P	P	P	P	P		P					

Use Type	<u>R</u> <u>E</u>	<u>R</u> <u>1</u>	<u>R</u> <u>2</u>	<u>R</u> <u>4</u>	<u>R</u> <u>6</u>	<u>R</u> <u>H</u> <u>D</u>	<u>R</u> <u>8</u>	<u>R</u> <u>1</u> <u>6</u>	<u>R</u> <u>2</u> <u>2</u>	<u>O</u> <u>1</u>	<u>B</u> <u>1</u>	<u>B</u> <u>2</u>	<u>B</u> <u>3</u>	<u>B</u> <u>4</u>	<u>I</u> <u>1</u>	Use Standard
Utility Uses																
Public utility, major	S	S	S	S	S		S	S	S	S		S	S		S	Sec. 9.3.31
Public utility, minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 9.3.31
Telecommunications Facilities																
Antennas										P	P	P	P	P	P	Sec. 9.3.26.B
Monopoles/Power Mount Facilities												S	S		S	Sec. 9.3.26.C
Transmission Tower (lattice type)												S			S	Sec. 9.3.26.D
Temporary Mobile Land- Based Telecom Testing Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 9.3.26.E

Terms Defined (Zoning Ordinance Article 18)

Accessory Dwelling

A dwelling or apartment within or detached from the principal dwelling, the use of which is associated with and subordinate to the principal dwelling and which is located upon the same lot as the principal dwelling. [Back to Table](#)

Antenna

Any structure or device used to collect or radiate electromagnetic waves, including both directional antennas, such as panels, microwave dishes and satellite dishes, and omni-directional antennas, such as whips but not including satellite earth stations. [Back to Table](#)

Arts Center

A facility for the provision of instruction in fine and applied arts such as painting, print-making, sculpture, textiles and glass-making. Such facilities may include leasable studio space on the premises, as well as areas for the exhibition and sale of art work. [Back to Table](#)

Assisted Living Residences

A type of adult care residence licensed by the Virginia Department of Social Services which provides a level of non-medical supportive service for adults who may have physical or mental impairments and require at least moderate assistance with the activities of daily living. [Back to Table](#)

Bank

Any establishment, including an unmanned bank teller machine(s), wherein the primary occupation is concerned with such State regulated businesses as banking, savings and loans, loan companies and investment companies. Any drive-in automatic teller machine(s) not ancillary to a bank or any bank having a drive-in window(s) or drive-in automatic bank teller machine(s) shall be deemed a drive-in facility as defined herein. [Back to Table](#)

Basic Industry

An establishment engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes utilizing flammable or explosive materials, or storage or manufacturing processes which potentially involve hazardous or commonly recognized offensive conditions. [Back to Table](#)

Bed and Breakfast

Overnight accommodations and a morning meal provided in a single family detached residence that is owner or manager occupied, in which five (5) or fewer rooms without cooking facilities are rented to transient guests. Bed and Breakfast located in a commercial zoning district may have weddings, receptions and business meetings as an ancillary use. [Back to Table](#)

Bowling Alley

In-door facility for the sport of ten-pin or duck-pin bowling, with customary accessory uses such as snack bars. [Back to Table](#)

Brewpub

A restaurant that prepares handcrafted beer, and/or other malt beverages, as an accessory use intended for consumption on the premises or sold for consumption off premises in hand-capped or sealed containers in quantities up to one-half barrel (or 15.5 gallons), up to a maximum total of 5,000 barrels (31 gallons/barrel) per year. The area used for brewing,

including bottling and kegging, shall not exceed 25 percent of the total floor area of the use. [Back to Table](#)

Car Wash

A structure, or portion thereof, containing facilities for washing motor vehicles by hand or by using production-line, automated or semi-automated methods for washing, whether or not employing a chain conveyor, blower, steam-cleaning or similar mechanical devices. [Back to Table](#)

Cattery

Any place or establishment, located within a fully enclosed structure, in which cats are kept or boarded for a fee. [Back to Table](#)

Cemetery

Any land or structure used or intended to be used for the interment of human remains. The sprinkling of ashes or their burial in a biodegradable container on church grounds or their placement in a columbarium on church property shall not constitute the creation of a cemetery. [Back to Table](#)

Child Care Center

An establishment which is licensed or approved to operate as a child care center in the Commonwealth of Virginia by the Virginia Department of Social Services, that enrolls two or more children under the age of 13 in a facility that is not a residence of the provider or of any of the children in care, or 13 or more children at any location for whose care tuition, fees or other forms of compensation are charged. A child care center may include nursery schools, kindergartens. Other facilities for which the purpose is primarily educational, recreational, or medical treatments that are not exempt from licensure by the Virginia Department of Social Services, and child day centers operated by religious institutions exempt from licensure are considered Child Care Centers. [Back to Table](#)

Club

A facility where the principal purpose is for members of associations or organizations, such as but not limited to fraternal organizations, to meet to pursue common goals, interests or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and a constitution and by-laws. "Club" shall not include night clubs or other institutions operated as a business. [Back to Table](#)

Cluster Development

An alternate means of developing a lot in the R-2, R-4, R-6, and R-8 Districts premised on the concept of design that preserves and protects sensitive natural or man-made features. Cluster development permits a reduction in lot area, yard and bulk requirements as described in Section 10.3.1 in exchange for creating common open space within the cluster. [Back to Table](#)

Commuter Parking Lot

An off-street area surfaced and improved for the parking, on a daily basis but not for the storage of vehicles for twenty-four (24) hours or longer, established in conjunction with mass transit arrangements and carpooling programs. [Back to Table](#)

College or University

An institution of higher education authorized by the State to award associate, baccalaureate or higher degrees, which may include on-site student, faculty, and/or employee housing facilities. For other educational institutions refer to definition of "school." [Back to Table](#)

Condominium

A form of Real Property ownership whereby a building or group of buildings in which dwelling units, offices, or floor area are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis. An owners association is organized for the purpose of maintaining, administering and operating the common areas and facilities. Condominium shall not mean any particular type of dwelling or unit. [Back to Table](#)

Conference Center

A facility to accommodate conventions, large meetings, trade shows and similar events. There may be accommodations for sleeping, eating and recreation as part of the facility. [Back to Table](#)

Convenience Food Store

Structure which contains less than 5,000 square feet of gross floor area and which is used for the retail sale of food or food and other items, generally purchased in small quantities but not including the sale of gasoline. Convenience food store is not designated for on-site consumption of the products purchased on the premises, and characterized by the rapid turnover of customers and high traffic/trip generation. [Back to Table](#)

Country Club

Facility providing recreational facilities, including a clubhouse, golf course and other recreation facilities, open only to members and their guests for a membership fee. [Back to Table](#)

Dance Studio

A commercial establishment where people pay a fee to learn how to dance. [Back to Table](#)

Diagnostic Laboratory

Facility for examining and testing blood, tissue, and other samples for purposes of determining the nature, condition and treatment of a disease or injury. [Back to Table](#)

Distribution Facility

An establishment engaged in the receipt of goods, products, cargo and materials, individually or in bulk, the short-term holding or storage of such goods or merchandise, and/or the breaking up into lots or parcels and subsequent shipment off-site of such goods and merchandise. Distribution may be provided to an entity with an identity of interest with the distribution facility or to businesses and individuals unrelated to the distributor. The term "Distribution Facility" shall also include a transshipment facility for the temporary holding, storage and shipment of goods or vehicles. [Back to Table](#)

Dog Park

A dog park is a contained public area where dog owners may allow their dogs to run off-leash. A dog park must be located on publicly owned or leased land and is not intended as a private commercial use. [Back to Table](#)

Drive-in Facility

A facility or portion thereof, which by design, physical features, service or by packaging procedures encourages or permits customers to receive services, obtain goods or be entertained while remaining in their motor vehicles. [Back to Table](#)

Duplex, Vertical

A building containing two (2) separate dwelling units that are constructed with a common party wall or abutting walls and with each dwelling unit located on its own separate lot. [Back to Table](#)

Duplex, Horizontal

The use of a single lot for two (2) dwelling units that are contained within a single building.

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Eating Establishment

Establishment in which the principal use is the sale of food and beverages for dining on the premises. [Back to Table](#)

Eating Establishment, Fast-food

Any establishment which provides as a principal use the preparation and sale of food, frozen desserts, or beverages in a ready-to-consume state for consumption either within the restaurant, within a motor vehicle parked on the premises, or off-premises, and whose design or principal method of operation includes one or more of the following characteristics:

- A. Food, frozen desserts, or beverages are served in edible containers or in paper, plastic or other disposable containers. Eating utensils, if provided, are disposable.
- B. Food, frozen desserts, or beverages are usually served over a general service counter for the customer to carry to a seating facility within the restaurant, to a motor vehicle or off-premises. If consumed on premises, customers generally are expected to clear their own tables and dispose of their trash.
- C. Forty-five percent (45%) or more of the gross floor area of the establishment is devoted to food preparation, storage and related activities, which space is not accessible to the general public.
- D. Food, frozen desserts, or beverages are served to the occupants of motor vehicles while seated in the car.

A fast food restaurant shall have two classes; with a drive-through facility or without a drive-through facility. [Back to Table](#)

Elderly Housing

A structure containing multi-family dwelling units where the occupancy of the dwellings are restricted to persons 60 years of age or older, or couples where either the husband or wife is 60 years of age or older and which meets the Fair Housing Amendments Act of 1988 for elderly housing. Such a structure may consist of individual dwelling units, community dining areas, common recreation areas, special support services and limited medical or nursing care. [Back to Table](#)

Electronic Data Storage Center

A work site used as a facility for the storage of and the operation of computer hardware, equipment for processing, storage and/or routing of electronic data. [Back to Table](#)

Emergency Care Facility

A facility staffed by medical professionals exclusively for short-term treatment of injury or illness on an out-patient basis. [Back to Table](#)

Emergency Shelter

Facilities providing shelter to people within the Town of Leesburg and established in conjunction with adverse weather conditions (Warming and Cooling Centers), natural disasters, and other man made situations, including but not limited to terrorism or natural disaster events. Emergency Shelters shall be established as accessory uses to churches, middle and high schools, and public buildings serving government or social service functions within the Town of Leesburg. [Back to Table](#)

Exercise Studio

A commercial establishment that provides instruction on personal fitness in a classroom style setting. [Back to Table](#)

Extended Family Residence

Within a single family residence or within a conforming accessory structure, a living area designed to provide independence and privacy by allowing a separate bedroom, bathroom, dining area and kitchen for an extended family member. [Back to Table](#)

Family Day Home

Any child day program offered in the residence of the provider or the home of any of the children in care for 6 through 12 children under the age of 13 in a 24 hour period, exclusive of the provider's own children and any children who reside in the home, when at least one child receives care for whose care tuition, fees or other forms of compensation is charged. Family day homes with 1-5 children, exclusive of the provider's own children and any children who reside in the home shall be treated as residential occupancy by a single family.

Farmers Market

A building, stalls, stands or place which is open to the general public for the sale of horticultural or agricultural products. [Back to Table](#)

Farming

The production, keeping, maintenance, sale, lease or personal use of plants and animals useful to man, but not to include feedlots and chicken farms. [Back to Table](#)

Fire and/or Rescue Facility

A facility including the storage of fire and/or rescue equipment and chartered by the Town of Leesburg and the Code of Virginia, which provides for the protection of life and property from the hazards of fire or explosions wherever located. For the purposes of this Zoning Ordinance, a fire and/or rescue facility shall not include a burn building. [Back to Table](#)

Funeral Home

A structure used for human funeral services. A funeral home may contain facilities for the preparation of the dead for burial and the storage of caskets and funeral supplies. A funeral home may contain a crematorium as an accessory use when in accordance with the minimum Use Standards provided in Sec. 9.3.6.1 and approved by special exception. [Back to Table](#)

Golf Driving Range

A practice range for hitting golf balls from a common tee-off area, and for purposes of this Zoning Ordinance, not operated in conjunction with a golf course or country club. [Back to Table](#)

Golf Course

Land, whether publicly or privately owned, on which the game of golf is played, including accessory uses such as golf driving ranges and buildings customary thereto. [Back to Table](#)

Group Home

A residential facility in which no more than eight (8) mentally ill, mentally retarded or developmentally disabled persons reside, with one or more resident counselors or other staff persons. A residential facility shall be deemed a group home when the Department of Mental Health, Mental Retardation and Substance Abuse Service is the licensing authority. For the purposes of this Zoning Ordinance, persons in a group home shall not be deemed a family. [Back to Table](#)

Heliport

Helicopter landing area with facilities for pick-up and discharge of passengers and cargo, which may include hangars, maintenance areas and other accessory structures.

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Home-Based Child Care

Any private family home in which five or fewer children, except children related by blood or marriage to the person who maintains and resides in the home, are received for care, protection and guidance during only a part of the twenty-four hour day, except (i) homes which accept children exclusively from local departments of welfare or social service, and (ii) homes which have been approved by a licensed day-care system. [Back to Table](#)

Home Improvement Center

A retail use in a structure with a gross floor area of at least 50,000 square feet in which a variety of building supplies, hardware, landscaping materials and household supplies and equipment are sold. [Back to Table](#)

Home Occupation

A business, profession, occupation or trade conducted for gain or support within a residential building or its accessory buildings by a resident of the dwelling which use is incidental and secondary to the use of the buildings for dwelling purposes and which does not change the residential character of such buildings. (See [Article 9](#) for Home Occupation standards). [Back to Table](#)

Hospital

Facility licensed and accredited by the Commonwealth of Virginia to receive in-patients and render medical and/or surgical care. "Hospital" shall include both general hospitals and institutions in which service is limited to special fields such as cardiac, pediatric, orthopedic, dermatology, chronic disease, and obstetrics. Ancillary facilities such as laboratories, outpatient facilities, rescue squad and training facilities, pharmacies, cafeterias and emergency facilities shall be considered hospital uses as well as a heliport serving the hospital. [Back to Table](#)

Hotel

Any single building or group of dwelling units, combined or separated, containing guest rooms used for the purpose of housing transient guests, each unit of which is provided with its own toilet, washroom and off-street parking facility, and which may include features such as conference rooms, a restaurant or snack bar, or swimming pool or exercise room that would attract clientele other than transient guests. [Back to Table](#)

Inn

A commercial facility for housing and feeding of transient guests in a building containing no more than fifteen (15) guest rooms without cooking facilities. Commercial use or rental of the property for business meetings, seminars, receptions and similar events or activities shall be permitted. [Back to Table](#)

Kennel

Any place or establishment, in which dogs, and other domestic animals are kept, boarded or bred for a fee. [Back to Table](#)

Library

Structure, either publicly or privately owned, used for collection and storage of books, periodicals, and similar materials, and providing facilities for reading, research and/or borrowing of the collected materials. [Back to Table](#)

Lumber and/or Building Material Sales Facility

Structure used for storage and sale of timber, beams, planks, boards and other building materials. [Back to Table](#)

Mailing Service

Retail sales or business service establishment to facilitate the transmittal and receipt of letter, bulk and packaging mail. [Back to Table](#)

Manufacturing and Assembly

The processing, fabrication, assembly, distribution of products such as, but not limited to: scientific and precision instruments, photographic equipment, communication equipment, computation equipment, household appliances, toys, sporting and athletic goods, glass products made of purchase glass, electric lighting and wiring equipment, industrial controls, radio and TV receiving sets, optical goods, and electrical machinery. [Back to Table](#)

Microbrewery

A facility for the production and packaging of beer, and/or other malt beverages, for distribution, retail or wholesale, on or off premises, with a maximum capacity of not more than 15,000 barrels (31 gallons/barrel) per year. A microbrewery may include, as an accessory use, a restaurant or bar not to exceed more than 25 percent of the total floor area of the use. [Back to Table](#)

Mini-Warehouse Facility

A structure or structures containing separate storage spaces of varying sizes leased or rented on an individual basis. [Back to Table](#)

Monopole

A single, self-supporting pole-type structure, tapering from base to top and supporting a fixture designed to hold one or more antennas. For purpose of this Zoning Ordinance, a monopole shall not be deemed to be a tower. [Back to Table](#)

Motel

A building or portion thereof, or group of buildings of similar design, providing transient accommodations with at least 25 percent of all rooms having direct access to the outside. [Back to Table](#)

Multi-Family Dwelling

A building containing three or more dwellings units located on a single lot or parcel of ground where each unit access the outside via a common hallway, stairs or elevators. Such units are located back-t-back, adjacent or stacked on top of each other. Multi-family dwellings shall include apartments, triplex dwellings and quadruplex dwellings. [Back to Table](#)

Museum

Facility used for the primary purpose of displaying artifacts, art work, historical documents, photographs, costumes, and other natural or man-made objects. The facility may include accessory meeting rooms and lecture halls. [Back to Table](#)

Neighborhood Retail Convenience Center

Neighborhood Retail Convenience Center uses established within Planned Districts are intended to serve the daily shopping and personal service needs of surrounding residential areas within a market area generally extending in a one mile radius, or 3,000 households. [Back to Table](#)

Nursery

An agricultural/commercial enterprise where plants and accessory products are sold on a retail basis. Twenty-five percent (25%) of the gross sales receipts of the commercial nursery must be derived from plants produced on site; or twenty-five (25%) of the area designated as a commercial nursery shall be dedicated to the cultivation of plants to be sold on-site.

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Nursing Home

An extended or intermediate care facility licensed or approved by the Commonwealth of Virginia to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity are unable to care for themselves. [Back to Table](#)

Office

A building, room or group of rooms used for conducting the affairs of a business, profession, services or government. For the purpose of this Zoning Ordinance, an office shall not involve manufacturing, fabrication, production, processing, assembling, cleaning, testing or repair of materials, goods or products. [Back to Table](#)

Outdoor Storage Area

An unroofed area, or a roofed structure enclosed on not more than three sides, for the keeping of any goods, materials, or merchandise in the same place for more than twenty-four (24) hours. All outdoor storage shall be required to be enclosed by a fence, wall, landscaped berm, or other suitable and appropriate method. This definition shall not apply to Outdoor Sales (Accessory to Sales Uses) as defined in Sec 18.1.126.1. [Back to Table](#)

Outdoor/Indoor Vehicle Auction

A public sale of vehicles one by one, each going to the last and highest of a series of competing bidders. [Back to Table](#)

Parking Lot

Surface facility used for parking automobiles, other passenger vehicles or trucks, but not for storage of such vehicles. [Back to Table](#)

Parking Space, Off-Site

A space suitable for parking one automobile and including adequate driveways, if necessary, to connect such space with a public right-of-way. Space within a building or upon a roof, allocated for parking shall be included and considered a part of the required spaces. [Back to Table](#)

Parking Structure, Public

A deck, building, or structure, or part thereof, owned and/or managed by a government or non-profit authority and used for the parking of vehicles, but not for the storage of such vehicles. [Back to Table](#)

Parking Structure, Private

A deck building or structure or part thereof used for the parking of vehicles, but not for the storage of such vehicles, available to the public with or without compensation, or used to accommodate clients, customers or employees. [Back to Table](#)

Permitted Use

Any use allowed in a zoning district by right. [Back to Table](#)

Pharmacy

An establishment offering medical appliances or prescription medicines to the public; may include retail sales of non-medical goods. [Back to Table](#)

Place of Worship

A structure or part thereof which is intended for organized religious services including but not limited to a church, synagogue, or temple. [Back to Table](#)

United States Postal Service

The public department responsible for the transportation and delivery of the mail: where mail is received, sorted and delivered and where postal materials are sold. [Back to Table](#)

Printing and/or Publication

Facility at which large volumes of printed material are produced on a regular basis, as with a newspaper or magazine. [Back to Table](#)

Public Utility, Major

Public utility, major shall include the following: electric substations and other distribution centers, electrical generating plants and facilities, sewerage treatment and disposal facilities, storage facilities for natural gas, oil and other petroleum products, supply yards for any public utility, dial centers, repeater stations, water purification facilities, microwave facilities, satellite earth stations, water storage facilities and maintenance facilities incidental to any use set forth above. [Back to Table](#)

Public Utility, Minor

A minor public utility shall include the following: electric transformer, natural gas, water and sewer transmission, collection, distribution and metering devices; and water and sewerage pumping stations. [Back to Table](#)

Recreation Facility

A facility offering or providing recreational activities. A recreational facility may include, but not be limited to a tennis court, racquetball court, basketball court, swimming pool, gymnasium, exercise and weight room facilities. Recreation facilities may offer non-recreational programs for children such as after-school programs, day camps, tutoring, etc. as an accessory use, provided that such program is exempt from licensure by the Virginia Department of Social Services as a child care center as provided by § 63.2-1715 of the code of Virginia. Recreational facilities may operate child care centers as an accessory use provided that they are licensed by the Virginia Department of Social Services as a child care center and Town of Leesburg Zoning Ordinance Sections 9.2, 9.3.4 and Section 3.4 if applicable. [Back to Table](#)

Research and Development

Basic and applied investigations in the natural, physical, or social sciences directed toward the discovery, invention, design, or establishment of new products and services.

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Retail Center

A group of commercial establishments planned as one entity. [Back to Table](#)

Rezoning

A change in zoning district designation for a parcel or group of parcels adopted by the Town Council. [Back to Table](#)

School, General Education

A parochial or private school giving regular instruction during a normal school year.

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School, Public

An educational institution operated by a duly constituted governmental entity. [Back to Table](#)

School, Special Instruction

A school primarily devoted to giving instruction in professional, musical, dramatic, artistic, scientific or other special subjects, exclusive of a conventional primary or secondary curriculum and does not require licensure by the State as a Daycare Center use.

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School, Technical

A school which primarily provides instruction to adults in vocational skills. [Back to Table](#)

Services, Personal

Any service wherein the primary occupation is the repair, care of, maintenance or customizing of personal properties that are worn or carried about the person or are a physical component of the person. For the purpose of this Zoning Ordinance, personal service establishments shall include, but need not be limited to, barber shops, beauty parlors, pet grooming establishments, laundering, cleaning and other garment servicing establishments, tailors, dressmaking shops, shoe cleaning or repair shops, and other similar places of business: services, personal do not include dry cleaning plants or laundries solely devoted to cleaning, processing, etc., or linen or diaper service establishments. Uses accessory to office use also include, but are not limited to, (1) Bank without drive-in facility; (2) Office supply store; (3) Newspaper stand; and (4) Eating establishment without drive-in facility. [Back to Table](#)

Service Station

Buildings and premises in which the primary use is the supply and dispensing at retail sales of one or more of the following: motor fuels, lubricants, batteries, tires, motor vehicle accessories; and wherein additional mechanical services may be rendered and sales made, but only as accessory and incidental to the primary occupation. Uses permissible at a service station shall not include body work, straightening of body parts, painting, welding, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in service stations. Snack foods, tobacco, hot and cold drinks, newspapers and similar convenience goods may be sold as accessory to the principal use. Prepared foods such as sandwiches and cooked foods limited to off-premises consumption are permitted as an accessory use to the extent permitted by the special exception approved for the service station. [Back to Table](#)

Single-Family Detached Dwelling

The use of a single lot for a dwelling that is not attached to any other dwelling by any means. [Back to Table](#)

Single-Family Attached (Townhouse) Dwelling

A single-family dwelling in a row of at least three such units in which each unit occupies its own individual lot that meets the minimum lot requirements of the applicable zoning district, has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by a common party wall. [Back to Table](#)

Single-Family Attached (Stacked Townhouse) Dwelling

Buildings configured to place one single family dwelling unit directly on top of another single family dwelling unit, each having independent access to the outside or shared access with only an adjacent unit, with the whole having the appearance of a single unified structure. Stacked townhouses shall be a minimum of three (3) units wide, and shall be vertically and horizontally separated by common party walls. Stacked townhouses are also referred to as "two-over-two" dwellings and are typically incorporated in a common owners association.

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Special Exception

A use permitted in a zoning district, if listed in the district's regulations, only upon showing that such use in a specified location will comply with all the conditions and standards specified in the Zoning Ordinance and/or imposed by the Town Council as authorized by the State Code. [Back to Table](#)

Stable

A facility for the keeping of horses for the private use of the residents of the lot. Such facility may include the commercial boarding of ten (10) or fewer horses and no more than one (1) instructor engaged for the purpose of educating and training students in horsemanship.

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Temporary Commuter Parking Lot

A Commuter Parking Lot used for two years or less. The use requires a Special Exception. The initial two-year period may be extended for up to two additional years through an additional Special Exception. [Back to Table](#)

Temporary Mobile/Land-Based Telecommunication Testing

Whip antennas, panel antennas, microwave dishes, and receive-only satellite dishes and related equipment for wireless audio transmission with low wattage not to exceed 500 watts, from a sender to one or more receivers, such as for mobile cellular telephones and mobile radio system facilities. [Back to Table](#)

Theater, Indoor

A structure designed for the enactment of dramatic performance and/or showing of motion pictures. For the purpose of this Zoning Ordinance, a drive-in motion picture theater and an adult mini-motion picture theater shall be deemed prohibited uses. [Back to Table](#)

Transmission Tower

A lattice-type structure, guyed or self-supporting, used to support antennas. Also called a communication tower or radio tower. [Back to Table](#)

Vehicle Sales and/or Rental Facility

The use of any structure or land area for the display and sale and/or rental of new or used automobiles, trucks, vans, trailers, recreation vehicles or other vehicles and including any warranty repair work and other vehicle services conducted as an accessory use.

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Vehicle and/or Equipment Service Facility

An establishment where the maintenance, servicing, repair or painting of vehicles, heavy equipment or large commercial appliances is conducted. [Back to Table](#)

Veterinary Hospital

A facility where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use. [Back to Table](#)

Warehouse

A structure used for the storage of goods and materials which may also include ancillary wholesale sales not to exceed 25% of the site. [Back to Table](#)

Zoning District

The various classifications of agricultural, residential, commercial and industrial zoning categories provided for in this Ordinance and the areas on the zoning map in which such different districts are mapped. As used in this Ordinance, the term “zoning district” can refer either to the zoning category, i.e. “the B-1 Zoning District”, or the areas mapped in such uses on the zoning map. [Back to Table](#)

Use Standards (Zoning Ordinance Article 9)

9.3.1 Assisted Living Residences

- A. Minimum lot size shall be two acres.
- B. Maximum density shall be as follows:
 - 1. In the R-4 District: 12.5 beds per acre, not to exceed 40 beds.
 - 2. In the R-6 District: 15 beds per acre, not to exceed 40 beds.
 - 3. In the R-HD District: 20 beds per acre, not to exceed a total of 40 beds.
 - 4. In the R-8 District: 20 beds per acre, not to exceed 60 beds.
 - 5. In the R-16 District: 20 beds per acre, up to a total of 60 beds.
 - 6. In the R-22 District: 20 beds per acre up to a total of 60 beds.
- C. The site and structure(s) shall be designed to be compatible with adjacent residential uses. Architectural treatment shall avoid massive, monolithic and repetitive building types and facades. Building elevations and architectural details sufficient to show compatibility with the residential character of the neighborhood shall be submitted for approval.
- D. No habitable structure shall be located closer than forty (40) feet from the property line of an adjacent lot.
- E. No parking, driveway or service area shall be located closer than twenty (20) feet to a side or rear property line. Twenty percent (20%) of required parking shall be paved with reinforced grass "paver block" to minimize the visual impact of the parking area and maximize the pervious area.
- F. Any service shall be located and designed to minimize its visibility from off-site.
- G. Parking located in front of an Assisted Living Residence shall be limited to visitors only. Employee parking shall be located on the side or in the rear of the building.
- H. Open Space. In the R-4, R-6 and R-8 Districts, a minimum of forty percent (40%) of the gross acreage of a site developed for an Assisted Living Residence shall be maintained as open space. In the R-22 and R-HD Districts a minimum of thirty percent (30%) of the site shall be maintained as open space.
- I. An Assisted Living Residence must have frontage on, and access to, a through collector road or a road with a high Town Plan transportation functional classification. [Back to Table](#)

9.3.2 Bed and Breakfast Inns

- A. No alterations to the exterior appearance of the building or any accessory structure or the premises shall be made which changes the residential character of the property.
- B. No traffic shall be generated by such bed and breakfast inn in greater volumes than would normally be expected in a residential neighborhood. Any need for parking generated by the bed and breakfast inn shall be met by using off-street parking in a manner which protects the residential character of the area and the visual appearance of the residence. [Back to Table](#)

9.3.2.1 Brewpub

- A. By Right.** Brewpubs are permitted by right in accordance with the use standards provided below:
1. All brewing ingredients shall be stored indoors.
 2. All exhaust from the brewing process shall be collected in a non-venting, stack condenser-type system and not vented directly into the atmosphere.
 3. Any spent grains intended for pick-up or delivery for use as feed shall be stored in containers kept indoors prior to pick-up/delivery.
 4. Any dumpsters where spent grains or other bi-product of the brewing process are disposed of shall be secured so as to block odors and prevent rodent infiltration.
- B. Special Exception.** Brewpubs shall require special exception approval in the following cases:
1. The proposed brewpub does not comply with all four of the standards for a by right brewpub set forth in Sec. 9.3.2.1.A.
 2. Storage silos may only be permitted by special exception. [Back to Table](#)

9.3.3 Car Washes

- A.** Car washes shall be located and designed so that vehicular circulation shall not conflict with traffic movements in adjacent streets, service drives, driveways and/or parking areas.
- B.** Car washes (as an accessory use) shall have no separate and exclusive curb cut access to the abutting roadway. [Back to Table](#)

9.3.4 Child Care Center

- A. Licensing & Registration.** A Child Care Center shall comply with any and all requirements of the Town and State Codes, including without limitation, obtaining a Zoning Permit, maintenance of a Town Business License, and maintaining a State License in accordance with the State Code, as applicable.
- B. Compliance.** The Child Care Center shall comply with any and all requirements of the County and State Building Codes.
- C. Recreation Area.** A minimum of 100 square feet of usable outdoor recreation area shall be provided for each child that may use the space at any one time. Such area shall be delineated on a plat submitted with the special exception application. For the purpose of this section, usable outdoor recreation area shall be limited to:
1. The area not covered by buildings or required on-site parking spaces.
 2. The area outside the limits of the required front yard.
 3. Only that area which is developable for active outdoor recreation purposes.
 4. An area that occupies no more than eighty percent (80%) of the combined total areas of the required side and rear yards, exclusive of any minimum required buffer yards.
- D. Fencing.** A fence at least four (4) feet in height shall completely enclose the outdoor recreation area so that children are safely contained inside and that all

persons entering the recreation area are within direct line of sight from the child care center classroom areas or from inside the building.

- E. Play Equipment.** No play equipment shall be located within the required yard setbacks. However, the Council may approve an alternate location for smaller child care centers with existing play equipment in residential zoning districts only.
- F. Recreation Location.** Outdoor recreation areas shall be safely separated from parking, loading and service areas such as dumpster pads.
- G. Parking.** Parking areas shall be designed to enhance the safety of children as they arrive and depart the center. A designated arrival and departure zone shall be located adjacent to the child care center in such a manner that children do not have to cross vehicle travel aisles to enter or exit the center. [Back to Table](#)

9.3.5 Places of Worship – Child Care Center.

A child care center is permitted as an accessory use for a place of worship if it meets the following conditions:

- A. Recreation Area.** A minimum of 100 square feet of usable outdoor recreation area shall be provided for each child that may use the space at any one time. For the purpose of this section, usable outdoor recreation area shall be limited to:
 - 1. The area not covered by buildings or required on-site parking spaces.
 - 2. The area outside the limits of the required front yard.
 - 3. Only that area which is developable for active outdoor recreation purposes.
 - 4. An area that occupies no more than eighty percent (80%) of the combined total areas of the required side and rear yards, exclusive of any minimum required buffer yards.
- B. Fencing.** A fence at least four (4) feet in height shall completely enclose the outdoor recreation area so that children are safely contained inside and that all persons entering the recreation area are within direct line of sight from the child care center classroom areas or from inside the building.
- C. Play Equipment.** No play equipment shall be located within the required yard setbacks. However, where the child care center is in a residential zoning district, the Zoning Administrator may approve an alternate location if it is a small child care center, which has a maximum enrollment of twenty (20) children, with existing play equipment.
- D. Recreation Location.** Outdoor recreation areas shall be separated, by a minimum of fifty (50) feet, from parking, loading and service areas such as dumpster pads.
- E. Parking.** The number of existing parking spaces on-site must comply with this Zoning Ordinance and be sufficient to handle the use as a child care center. A designated arrival and departure zone shall be located adjacent to the child care center in such a manner that children do not have to cross vehicle travel aisles to enter or exit the center.
- F. Hours of Operation.** The hours of operation shall be limited to 6:00 a.m. to 7:00 p.m., Monday through Friday.

G. Enrollment. The number of children enrolled shall not exceed forty (40).

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9.3.6 Condominiums

A. Applicability. The condominium regulations of this section shall apply only to residential developments. All such condominium developments shall comply with the density limitations and other provisions of the zoning district in which it is located.

B. Condominium Conversion. For the purpose of this section, “elderly” means a person not less than 55 years old in accordance with the Fair Housing Act of 1968, as amended, and the Virginia Fair Housing Law of 1972, as amended. The term “disabled”, refers to a person suffering from a severe, chronic physical or mental impairment which results in substantial functional limitations. Residential condominium conversions shall provide an offer of lease to elderly and disabled tenants as follows:

1. The declarant of a condominium conversion shall file concurrently with the Zoning Administrator, the general notice of conversion required by Subsection 55-79.94(b) of the Code of Virginia, 1950, as amended.
2. The declarant of a condominium conversion shall provide any existing tenants a copy of the general notice of conversion required by Subsection 55-79.94(b) of the Code of Virginia, 1950, as amended. An offer shall be provided to the elderly and disabled tenants' leases or extensions of leases, or the provision of other units of equal size and overall quality shall be afforded.
3. Offers of leases or extensions of leases required by this section shall include no more than twenty percent (20%) of the apartments or units in the proposed condominium conversion, and shall be offered for a term of up to three (3) years from the date the general notice of conversion is served. The terms and conditions thereof shall be as agreed upon by the leaser and the lessee. Such offers of leases or extensions of leases shall not apply to apartments or units which will, in the course of conversion, be substantially altered in the physical layout, restricted exclusively to nonresidential use, or rendered legally uninhabitable because of renovations or rehabilitation which the declarant intends to perform in good faith. [Back to Table](#)

9.3.6.1 Crematorium (Accessory to a Funeral Home)

- A.** The Virginia Department of Environmental Quality Air Permit Local Governing Body Certification must be completed prior to submission to the Town for sign off.
- B.** External storage of fuels shall comply with all applicable federal, state and/or county regulations, such as 40 CFR 112 or its state/local equivalent.
- C.** Minimum setback for outdoor fuel storage containers shall be 50 feet from residential districts; 25 feet from non-residential districts.
- D.** All outdoor fuel storage containers shall be screened from public view on three sides by a solid wall at least six (6) feet in height and on the fourth side by a solid gate at least five (5) feet in height. The gate and wall shall be maintained in good working order and shall remain closed except when refueling occurs. The wall

and gate shall be architecturally compatible with other buildings and structures on site.

- E. The facility shall be used solely for the cremation of human corpses and shall not be used for disposition of animal remains or medical waste.
- F. Crematorium facilities shall be limited to no more than 25% of the total gross floor area of the funeral home. [Back to Table](#)

9.3.7 Dog Park Use Standards

- A. A minimum buffer of 1,000 feet is required from residential uses;
- B. The off-leash dog area is for dogs, their handlers and those accompanying them. No other use is allowed;
- C. All dogs must be legally licensed and vaccinated, and shall wear a visible dog license;
- D. Dogs under four (4) months of age and female dogs in heat are prohibited;
- E. Dogs must be on leash when entering and exiting the off-leash dog area;
- F. Dogs must be under the control of their handler and in view of their handler at all times;
- G. Spiked collars are prohibited;
- H. Children 8 years and under are not allowed in the off-leash dog area; all children up to the age of 14 must be accompanied by an adult;
- I. Handlers must be 16 years of age or older;
- J. Handlers must have possession of the dog lease at all times;
- K. Handler is limited to a maximum of two dogs;
- L. Handlers must remove any dog waste and fill any holes dug by dogs under their control;
- M. Food and drinks in glass containers are prohibited; training treats are allowed;
- N. Dogs must be removed from the off-leash dog area at the first sign of aggression;
- O. No animals other than dogs shall be permitted in the area;
- P. There shall be information posted at the dog park that clearly indicates that handlers are responsible for any injuries caused by the dog(s) under their control;
- Q. There shall be information posted at the dog park that clearly indicates users of the facility do so at their own risk and that the Town of Leesburg shall not be liable for any injury or damage caused by any dog in the off-leash area; and
- R. The park must be fully enclosed by adequate fencing that dogs cannot dig under or jump over, and gates must be secure. [Back to Table](#)

9.3.8 Convenience Food Stores

- A. No convenience food store shall be located on a lot adjacent to residential dwelling units.
- B. All business services, storage and display of goods shall be conducted within a completely enclosed building. [Back to Table](#)

9.3.9 Eating Establishment (without drive-in)

In the I-1 District and the Employment sub-district of the Crescent Design District, eating establishments without drive-in facilities shall be located in the same building as the principal uses primarily served and shall occupy not more than twenty-five (25%) percent of the gross floor area of the building. [Back to Table](#)

9.3.10 Electric or Plumbing Supply

No materials may be stored within required setbacks, and all materials stored outside shall be adequately buffered and screened from adjoining properties and public rights-of-way. [Back to Table](#)

9.3.11 Extended Family Residence

An Extended family residence shall be permitted by right when all of the following regulations are met. If any one of these regulations cannot be complied with, then an application for special exception will be required for the extended family use.

- A. **Area Limitation.** An extended family residence shall be limited to a maximum of nine hundred (900) square feet in area or fifty percent (50%) of the principal structure footprint, whichever is less.
- B. **Main Residence Occupancy.** An extended family residence may only be approved when the main residence is owner occupied.
- C. **Location.** An extended family residence may be designed to be located within the single-family dwelling with a separate entrance or in a conforming accessory structure; however, it may not be located in a nonconforming accessory structure or structure made conforming as a result of a variance. The extended family residence shall not be separately metered for electricity or water. New structures built as an extended family residence shall only be permitted in the rear yard of a single-family detached residence.
- D. **Yard Requirements.** A new structure built as an extended family residence must be separated from the principal residence by a minimum of ten (10) feet, must be located in the rear yard and shall meet the district regulations for side and rear yard setbacks for the district in which the extended family residence is located.
- E. **Occupancy Limitation.** The occupant(s) of an extended family residence will be limited to specific family members related by blood, marriage, adoption or legal guardianship. At no time may the number of occupants of an extended family residence exceed two (2).
- F. **Acknowledgement of Understanding.** The owners of the single-family dwelling must certify his/her understanding that an extended family residence is limited by the conditions presented in the special exception approval letter, including: number of occupants, who the occupant(s) will be, the relation of the occupant(s) to the main resident(s), and the location and size of the extended family

residence. This certification shall be attached to the approval letter as an exhibit.
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9.3.11.1 Family Day Homes

- A. Description.** Family Day Homes for 6 to 9 children are permitted by-right and 10-12 by special exception, subject to meeting the performance standards below and Section 3.4.13 as applicable. A home occupation application is required and shall include a Sketch Plan depicting the entire lot to scale, setbacks, pathway to door of facility, drop off and pick-up locations, location of any permanent in-ground play equipment, the size and location of the required outdoor play area and required fence.
- B. Required Notice.** As required by Virginia State Code section 15.2-2292, upon receipt of an application for a by-right Family Day Home for 6 – 9 children the Zoning Administrator shall send notice by registered or certified letter to the last known address of each adjacent property owner. If the zoning administrator receives no written objection from a person so notified within thirty days of the date of sending the letter and determines that the family day home otherwise complies with the provisions of the ordinance, the zoning administrator shall issue the permit sought.
- C. Performance Standards.** Any Family Day Home application that does not meet one or more of the performance standards below, or is denied a permit through the administrative process described above, or requests approval for 10 to 12 children may apply for a Special Exception for the Family Day Home use subject to the standards below as modified by Town Council and Town of Leesburg Zoning Ordinance section 3.4.
 - 1. The Family Day Home shall comply with any and all requirements of the Town and State Codes, including without limitation, obtaining a Home Occupation Permit, maintenance of a Town Business License, and obtaining a State Family Day Home License in accordance with the State Code, as applicable.
 - 2. The Family Day Home shall comply with any and all requirements of the County and State Building Codes.
 - 3. If the proposed location of the Family Day Home is subject to a Declaration of Covenants, Conditions, and Restrictions for a Homeowners Association (HOA), then prior to the issuance of the Home Occupation Permit, the Family Day Home provider shall provide the Town with documentation whether or not the use is allowable under applicable HOA Covenants, Conditions, and Restrictions.
 - 4. The Family Day Home lot must be at least 6,000 square feet in size.
 - 5. There shall be no more than two employees for a Family Day Home. The applicant shall demonstrate availability of employee parking onsite or along the street.

6. Child drop off and pick up locations shall be designated to enhance the safety of children as they arrive and depart. A designated arrival and departure zone shall be located adjacent to the Family Day Home center in such a manner that children do not have to cross a street to enter or exit the Home.
7. Family Day Homes shall stagger pick up and drop off times such that there are never more than two vehicles picking up or dropping off at one time.
8. There shall be no change in the outside appearance of the Family Day Home or lot nor other visible evidence of the conduct of a Family Day Home other than what may be required by the State Family Day Home License or provisions elsewhere in this Zoning Ordinance.
9. Seventy-five (75) square feet of outdoor play area must be provided on-site per child except as follows: No outdoor play area shall be required on-site when applicant can demonstrate the Family Day Home is located within 1,000 feet of an existing park or play lot that is at least twice the area otherwise required for the home care service. The park or play lot must be public or owned by the homeowners' association to which the residence belongs and must be accessed without crossing an arterial or collector road. The Outdoor play area must be shown on a plat to scale submitted at the time of application for the permit.
10. Fencing: Outdoor play area must be enclosed by a fence with a minimum height of four (4) feet.
11. Play Equipment Location: - No play equipment shall be located within the required yard setbacks.
12. Pathway to Facility: There must be a continuous hard-surface pathway/sidewalk connecting the drop-off and pick-up location to the entrance of the Family Day Home. The pathway shall be kept free of any snow or ice. [Back to Table](#)

9.3.12 Kennels

- A. There shall be a minimum lot size requirement of two (2) acres, and any structure used for the confinement, care or breeding of animals shall be located at least 200 feet from adjoining lot lines.
- B. All such animals shall be kept in pens designed and maintained for humane and secure confinement.
- C. In consideration of an application for a permit, the Town Council shall take into account the number and kinds of animals proposed to be kept and the characteristics thereof and may impose additional conditions. [Back to Table](#)

9.3.12.1 Cattery

- A. The operator shall maintain all facilities within a fully enclosed structure that is adequately soundproofed and constructed so there is no emission of odor or noise detrimental to other property in the area.

- B. The operator shall comply with the Virginia Department of Agricultural and Consumer Services Division of Animal Industry Services laws. [Back to Table](#)

9.3.13 Lumber or Building Material Sales Facilities

No lumber or building materials may be stored within required setbacks, and all lumber and building materials stored outside shall be adequately buffered and screened from adjoining properties and public rights-of-way. [Back to Table](#)

9.3.13.1 Microbrewery

- A. All brewing ingredients shall be stored indoors, in sealed containers, off the floor, and in accordance with all applicable Health Department regulations.
- B. All exhaust from the brewing process shall be collected in a non-venting, stack condenser-type system and not vented directly into the atmosphere.
- C. Any spent grains intended for pick-up or delivery for use as feed shall be stored in sealed containers and kept indoors prior to pick-up/delivery.
- D. Any dumpsters where spent grains or other bi-product of the brewing process are disposed of shall be secured so as to block odors and prevent rodent infiltration.
- E. Storage silos may only be permitted by special exception. [Back to Table](#)

9.3.14 Mini-warehouse Facilities

- A. Storage units shall be provided for long-term storage only, and all storage shall be within completely enclosed buildings.
- B. Loading docks shall not be permitted.
- C. Except for the purposes of loading and unloading, there shall be no incidental parking or storage of trucks and/or moving vans.
- D. No office, retail or wholesale use of the storage units shall be permitted.
- E. One accessory residential unit may be permitted solely for the use of a caretaker or watchman. (See 9.4.2)
- F. The outdoor storage area, loading or parking shall be limited to areas designated on an approved site plan, and adequately screened from adjacent properties and roadways. Such areas shall not be used for the storage or display of inoperable vehicles as defined in Section 32-147 of the Town Code. [Back to Table](#)

9.3.15 Multi-family Development and Attached Single-Family Development

The standards of this section shall apply to all multi-family development and all single-family attached (townhouse) development exceeding a density of 8 dwelling units per acre.

- A. All structures shall be separated by a minimum horizontal distance of twenty (20) feet.
- B. A minimum of thirty percent (30%) of the gross acreage of a site developed for multi-family or qualifying single-family attached residential use shall be maintained as open space. For developments with overall density exceeding eight (8) units per net acre, active recreation facilities such as playgrounds, tennis courts, swimming pools and clubhouses shall be provided at a rate of at least two hundred fifty (250) square feet per dwelling unit. "Active recreation" is defined as activities that allow physical participation by an individual or group.

The size, type, and number of facilities provided shall be commensurate with the anticipated needs of the residents.

- C. Construction of recreation facilities described in the site plan shall be in accordance with a schedule approved as part of the plan and shall be at a rate equivalent to or greater than the rate of construction of dwellings. At a minimum, a phasing plan must assure that major recreation facilities, such as pools, clubhouses and tennis courts, are constructed prior to completion of fifty percent (50%) of the total units.
- D. Recreation facilities shall be adequately soundproofed and constructed so that there will be no noise detrimental to other properties. Lighting of any outdoor recreation facility must be directed so as to eliminate or mitigate glare onto any residential use or roadway. The hours of operation for outdoor recreation facilities shall not exceed 7 a.m. to 11 p.m.
- E. Recreation space is that part of the open space which is specifically designed to serve the needs of residents of the district concerning active recreation. (Activities may include, but not be limited to swimming, tennis, golf, ball field. Small children's play areas may be counted as recreation space if the area's shortest dimension is fifty (50) feet and the area contains at least 2,500 square feet.)
- F. The following locations requirements shall apply to recreation space insofar as reasonably practicable:
 - 1. Recreation areas intended for general use and for pedestrian access shall be accessible from dwellings without crossing streets, or with a minimum of street crossings.
 - 2. Walkways and recreational areas shall form an interconnected system, serving also as routes to schools, churches and other major pedestrian destinations.
 - 3. The recreation and walkway system shall be located in block interiors and oriented away from exposure to automotive traffic.
 - 4. At least ninety (90) percent of all dwelling units shall be within 600 feet (by normal pedestrian routes) of countable recreation space.
- G. If the street to which the multi-family or single-family attached development takes access serves fifty (50) dwelling units or less, vehicular access from off-street parking and service areas may be directly to the street from individual dwelling units. Determination of number of dwelling units served shall be based on normal route of traffic anticipated in the development.
- H. Architectural treatment shall avoid massive, monolithic and repetitive building types, facades and setbacks, and shall be compatible with surrounding areas. Building elevations and architectural details sufficient to show compliance with this standard shall be submitted for approval. [Back to Table](#)

9.3.16 Neighborhood Retail Convenience Center

- A. Centers may be comprised of a collection of stores including a mix of retail, service, and office uses and may include, but are not limited to, convenience food store, pharmacy (without drive-through facility), grocery store, eating establishment, eating establishment fast food (without drive-through facility), child

care center, recreation facility (gymnasium, exercise and weight room facilities, martial arts studio, etc.), exercise studio, dance studio, retail use, mailing services, personal service establishment, and bank (without drive-through facility).

1. Total building floor area of a Neighborhood Retail Convenience Center shall be established at the time of rezoning and shall not exceed 40,000 square feet gross floor area.
 2. No single use or business shall occupy more than 15,000 square feet of the total gross floor area of a Neighborhood Retail Convenience Center.
 3. Any use proposed in excess of the maximum gross floor area provided herein must be approved by special exception.
 4. No drive-through uses shall be permitted in a Neighborhood Retail Convenience Center. Other uses not permitted include: appliance repair stores, variety department stores, radio and television repair shops, veterinary hospitals, emergency care facilities, movie theatres, furniture repair, outdoor storage, vehicle sales and/or rental facility, and vehicle and or equipment service facility.
- B. Automobile service stations shall only be permitted in conjunction with other non-automobile related commercial uses.
- C. The center shall provide landscaped open space necessary to effectively buffer parking, service areas and building mass from adjacent residential uses and public roads. [Back to Table](#)

9.3.17 Nursing Homes

A nursing home shall be designed to accommodate service vehicles with access to the building at a side or rear entrance. [Back to Table](#)

9.3.17.2 Pad Site (Use Standards)

Pad sites shall not have direct access to abutting public streets. Pad sites shall locate within 300 feet of the primary building within the center. [Back to Table](#)

9.3.18 Parking Structures (Public or Private)

Such parking facilities shall be used solely for the parking of vehicles in operating condition. No motor vehicle repair work except emergency service shall be permitted in association with such a parking facility. [Back to Table](#)

9.3.19 Personal Service

- A. Personal services include but are not limited to the following: Appliance repair and rental stores; arts and crafts studio or store; barber shop and beauty shop; bicycle repair store; caterer; dressmaker shop; dry-cleaning and/or laundry pickup station; furniture repair and/or restoration; locksmith shop; musical instrument repair shop; office supply store; and photographer's studio; photostat shop; shoe repair shop; tailor shop; travel agency; and watch repair shops.
- B. In the O-1 District, personal service uses that are accessory to office uses shall be located in the same building as the permitted uses and shall not constitute more than 25% of the gross floor area of the building. Personal service uses accessory to office use also include, in addition to uses listed in 9.3.16.A, bank

without drive-in facility and eating establishment without drive-in facility.

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9.3.20 Repair Garages

No permit shall hereafter be issued for a public garage, automobile repair shop or service station if the entrance or exit for vehicles is (a) in the same block front within two hundred (200) feet of any school, public playground, hospital, church, or public library, or, (b) if such entrance or exit shall be located within twenty (20) feet of an "R" District within the same block front; and, no permit shall be issued hereafter for public garage, automobile repair shop or service station if any part of any structure, including underground gasoline tanks and/or service aisles are to be located within one hundred (100) feet of any building or grounds of any of the aforesaid public or institutional uses or any "R" District. [Back to Table](#)

9.3.21 Recreation Facilities

- A. No building used for or in conjunction with a recreation facility shall be located within fifty (50) feet of any property line except within the Crescent Design District.
- B. All lighting fixtures used to illuminate outdoor areas shall be designed to avoid glare in surrounding areas. The facility shall be lit only during the hours that the facility is open for business, except for necessary security lighting.
- C. A lighting plan shall be submitted to verify that all lighting fixtures are directed onto the site, and will not impact adjacent properties or roadways.
- D. The hours of operation for outdoor recreation facilities shall not exceed 7 a.m. to 11 p.m.
- E. Outdoor recreation facilities shall be located and screened to minimize impact on adjacent properties.
- F. Indoor recreation facilities shall be soundproofed to prevent noise levels from exceeding 55 dB (A) (SLOW meter response) at the property line of any lot containing a residential use.
- G. Within the Crescent Design District all recreation facilities must be completely enclosed within a building. [Back to Table](#)

9.3.22 Research and Development

- A. Research and development shall have all business, service, storage and display of goods, equipment or materials conducted within a completely enclosed building, except research requiring solar exposure and uses which by their nature may be conducted outside a building.
- B. The storage, manufacturing or disposal of hazardous materials is prohibited.
- C. All refuse shall be contained within completely enclosed facilities. All refuse materials must be properly screened.
- D. The Town Council shall consider the type and nature of any proposed assembly, integration and testing of products and shall determine that the use is compatible with the surrounding area. [Back to Table](#)

9.3.23 Schools of Special Instruction

Schools of special instruction shall not be located within four hundred (400) feet of a residential zone unless all such uses are located within a completely enclosed building and the building is adequately soundproofed and constructed so that there will be no noise detrimental to other properties. [Back to Table](#)

9.3.23.1 School, Technical

- A. By Right.** Technical Schools are permitted by right in accordance with the use standards provided below:
 - 1. All instruction shall be provided within a fully enclosed structure.
 - 2. The building shall be adequately soundproofed and constructed so that there will be no noise, vibration or odors detrimental to other properties.
 - 3. No modifications of the zoning ordinance shall be required. [Back to Table](#)
- B. Special Exception.** Technical schools shall require special exception approval in the following cases:
 - 1. Where the proposed technical school does not comply with all of the standards for a by right technical school set forth in Sec. 9.3.23.1.A; or
 - 2. Where Instruction involves motorized vehicles; or
 - 3. Where materials used for instruction purposes requires specialized ventilation or hazardous material disposal; or
 - 4. Where the likelihood of noise, vibration, and/or odors, which cannot be mitigated within the structure, affects neighboring property during the instructional period. [Back to Table](#)

9.3.24 Service Stations

- A.** Service stations shall not include ancillary uses such as vehicular or tool rental (including moving vans) and shall be limited to the servicing of vehicles and non-automotive accessory retail sales of snacks, convenience foods, and similar products.
- B.** Service stations shall not include an outdoor storage area for more than three (3) abandoned, wrecked or inoperable vehicles on the site for more than one week, subject to the limitation that there shall be no dismantling, wrecking, or sale of said vehicles or part(s) thereof.
- C.** Outside sales and display areas shall be shown on the plan to be reviewed by the Planning Commission and Town Council.
- D.** The parking of commercial vehicles shall be prohibited on the site of a service station. This provision shall not be interpreted as prohibiting the parking of vehicles actively engaged in delivering fuel or other supplies to the service station.
- E.** No permit shall be issued for a service station if the entrance or exit for vehicles is:

1. In the same block front within two hundred (200) feet of any school, public playground, hospital, church, or public library; or
 2. If such entrance or exit is be located within twenty (20) feet of an "R" District within the same block front.
 3. No permit shall be issued for a service station if any part of any structure, including underground gasoline tanks or service aisles, is located within one hundred (100) feet of any building or grounds of a school, public playground, hospital, church, or public library or any "R" District.
- F.** Canopy Height as measured from the finished grade to the lowest point on the canopy fascia should not exceed 14'0". The overall height of canopies shall not exceed 17'3".
- G.** Canopy lighting shall be fully recessed in the ceiling of the canopy.
- H.** All sides of a building should express consistent architectural detail and character. All site walls, screen walls, garage doors and canopies should be architecturally integrated with the building by using similar materials, color and detailing. [Back to Table](#)

9.3.25 Single-family Attached (Townhouse) Development

In the R-8 district, single-family attached dwelling units shall not be constructed to a greater density than eight (8) dwelling units per net acre. Townhouse development in the R-16 district in excess of eight (8) dwelling units per acre shall comply with the standards of Sec. 9.3.15. [Back to Table](#)

9.3.26 Telecommunication Facilities

All future telecommunications structures, including transmission lines, should be placed underground per the Town's under grounding policy if possible. The following standards have been established to permit the establishment of telecommunications facilities above ground if under grounding is not feasible in a manner that minimizes the visual impact of towers through careful siting, design, and screening; reduces the potential for damage to adjacent properties caused by tower failure or falling ice; and maximizes the use of any transmission towers and structures through the promotion of co-location so as to minimize the need to construct new towers.

The standards of this section shall apply to all telecommunication uses and structures as provided below.

A. Standards Applicable to all Telecommunications Facilities:

1. No commercial advertising or signs shall be allowed on a tower or monopole, including manufacturer's logo or brand name.
2. Signals or lights or illumination shall not be permitted on any antenna, tower or monopole unless required by the Federal Communications Commission, the Federal Aviation Administration, State or Federal authorities, or the Town. When signals or lights are required, shields shall be installed that screen the signals or lights from ground view.
3. The related unmanned equipment structure(s) shall not contain more than seven hundred fifty (750) square feet of total gross floor area on each site. Structures shall not exceed twelve (12) feet in height. If located within the structure upon which the antennas are mounted, they may be located in the areas which are excluded from the determination of net floor area without changing the exclusion of those areas from the calculation of the density of

the structure. The structure shall be of a material or color which matches the exterior of the building or structure.

4. Equipment buildings located on the grounds shall meet the minimum yard requirements of the zoning district where located.
5. Satellite and microwave dish antennas shall not exceed one and eight tenths (1.8) meters or six (6) feet in diameter.
6. A security fence at least six (6) foot high shall completely surround the tower (and guy wires if used) and equipment building. It shall be constructed in colors and materials to blend into the immediate surrounding environment.
7. All equipment and facilities from a telecommunications facility site shall be removed within ninety (90) days of cessation of telecommunications use and the site shall be restored as closely as possible to its original condition.

B. Antennas. Roof top mounted dipole/whip or panel antennas and related unmanned equipment may be installed in those districts where permitted subject to the minimum standards provided below. Note that these provisions do not apply to antenna installed on utility transmission towers. (See power-mount facilities in C. below):

1. Such antennas and related equipment may exceed the maximum building height limitations, provided the use is in accordance with the development criteria herein.
2. Dipole or whip antennas shall not exceed twenty (20) feet in height or seven (7) inches in diameter and shall be of a material or color which matches the exterior of the building or structure.
3. Directional or panel antennas shall not exceed five (5) feet in height or two (2) feet in width and shall be of a material, color, or finish that minimizes the visual impact of the structure and emulates the exterior of the building or structure on which it is mounted.
4. Equipment structures located on the roof of a building shall not occupy more than twenty-five (25%) percent of the roof area.
5. Antennas and related unmanned equipment are permitted in any zoning district on buildings and structures owned or controlled by a federal, state, county, or Leesburg Town governmental unit.
6. Structures upon which an antenna is mounted/co-located, that were not constructed solely or primarily to support antennas, shall not be deemed to be a telecommunications facility per Sec 6409(a) of the Spectrum Act.

C. Monopoles and Power Mount Facilities. Monopoles, Power Mount Facilities (antenna mounted on utility transmission towers) and related unmanned equipment may be developed subject to the standards below to the extent permitted by special exception and with Commission Permit in the districts where permitted.

1. The Applicant shall demonstrate to the satisfaction of the Zoning Administrator that there is not an existing alternative structure which will reasonably meet the engineering and service needs of the proposed telecommunications facility
2. The height of such monopole shall not exceed one hundred fifty (150) feet, including antennas. Power Mount Facilities may exceed 150 feet in height if

the existing transmission tower exceeds 150 feet and the height of the facility is approved as part of the special exception.

3. All lots where a monopole facility is located shall comply with the required setbacks in the underlying zoning district between the base of the tower, accessory structures and uses, and guy anchors to all property lines as well as the following setback requirements:
 - a. The minimum setback between monopoles and all property lines shall be a distance equal to fifty percent (50%) of the height of the tower, or the minimum required setback of the district, whichever is greater.
 - b. Monopoles shall be setback a minimum of 50 feet from any existing or planned right-of-way, and
 - c. Monopoles shall be set back a minimum of 100 feet, or fifty percent (50%) of the tower height, whichever is greater, from the lot line of any adjacent residential use or district.
 4. Unless otherwise required by the Federal Communications Commission or the Federal Aviation Administration, monopoles shall be designed to minimize visibility through materials, colors, or other camouflage techniques.
 5. No monopole shall be located within one-half mile of the H-1 Overlay District within the Town.
 6. No monopole shall be located within a PRN or PRC District.
 7. New telecommunications monopoles shall be designed to accommodate at least three (3) providers. The applicant shall identify the conditions under which future co-location by other service providers are permitted. Co-location may be waived if the Town Council determines, based on substantial evidence produced by the applicant at the time of application, that:
 - d. The accommodation would cause the size of the monopole to significantly exceed the size of existing towers in the area resulting in an unnecessary visual impact on the surrounding area; or
 - e. There exists valid technological or physical justification making co-location impossible.
 - f. The Federal Communications Commission (FCC) has issued a written statement that no more licenses for those broadcast frequencies that are eligible to use the monopole will be issued in the foreseeable future.
 8. The monopole shall be designed and constructed to all applicable standards of the American National Standards Institute, ANSI/EIA-222-E manual, as amended. All applications for development of a monopole facility shall verify compliance with these standards.
 9. A soil report compliant with the standards found in Appendix I: Geotechnical Investigations, ANSI/EIA-222-E, as amended, shall be submitted to the Town, sealed by a registered soils engineer, to document and verify the design specifications of the foundation for the monopole, and anchors for guy wires if used.
 10. Monopoles and antenna shall be designed to withstand wind gusts of up to 100 miles per hour.
- D. Transmission towers.** Transmission Towers (free-standing or guyed lattice-type towers) with related unmanned equipment may be developed in those districts

where permitted when approved by special exception and with Commission Permit and the minimum standards provided below:

1. The Applicant shall demonstrate to the satisfaction of the Zoning Administrator that there is not an existing alternative structure which will reasonably meet the engineering and service of the proposed telecommunications facility.
2. The height of such tower shall not exceed one hundred fifty (150) feet, including antennas.
3. All lots where a transmission tower facility is located shall comply with the required setbacks in the underlying zoning district between the base of the tower, accessory structures and uses, and guy anchors to all property lines as well as the following setback.
 - a. The minimum setback between transmission towers and all property lines shall be a distance equal to fifty percent (50%) of the height of the tower, or the minimum required setback of the district, whichever is greater.
 - b. Transmission towers shall be setback a minimum of fifty (50) feet from any existing or planned right-of-way, and
 - c. Transmission towers shall be set back a minimum of one hundred (100) feet, or fifty percent (50%) of the tower height, whichever is greater, from the lot line of any adjacent residential use or district.
4. No tower shall be located within one-half mile of the boundary of the H-1 Overlay District within the Town.
5. No tower shall be located within a PRN or PRC District.
6. New Transmission Towers shall be designed to accommodate at least three (3) providers. The applicant shall identify the conditions under which future co-location by other service providers are permitted. Co-location may not be required when the Town Council determines based on substantial evidence produced by the applicant that.
 - a. Doing so would cause the size of the tower to significantly exceed the size of existing towers in the area and would create unnecessary visual impact on the surrounding area; or
 - b. No additional need is anticipated for any other potential user in the vicinity; or
 - c. There is valid technological or physical justification as to why co-location is not possible.
 - d. The Federal Communications Commission (FCC) has issued a written statement that no more licenses for those broadcast frequencies that are eligible to use the tower will be issued in the foreseeable future
7. The transmission tower shall be designed and constructed to all applicable standards of the American National Standards Institute, ANSI/EIA-222-E manual, as amended. All applications for development of a transmission tower facility shall verify compliance with these standards.
8. A soil report compliant with the standards found in Appendix I: Geotechnical Investigations, ANSI/EIA-222-E, as amended, shall be submitted to the Town, sealed by a registered soils engineer, to document and verify the design specifications of the foundation for the transmission tower, and anchors for guy wires if used.

9. Transmission towers and antenna shall be designed to withstand wind gusts of up to one hundred (100) miles per hour.

E. Temporary and Mobile and Land Based Telecommunication Testing Facilities

Temporary and Mobile and Land Based Telecommunication Testing Facilities consisting of antennas and related equipment may be permitted in any zoning district subject to the following performance standards:

1. A temporary special permit may be issued by the Zoning Administrator for a period not to exceed six (6) months, provided, however, that the Zoning Administrator may approve an extension for up to an additional six (6) months upon written request by the applicant, submitted prior to the expiration date which documents the need for further testing.
2. Such temporary use must comply with all federal, state and County regulations, including but not limited to regulations by the Federal Aviation Administration, the Federal Communications Commission and the Environmental Protection Agency.
3. The temporary testing equipment for the antenna shall be located either in an existing structure or in a construction trailer or in a "cell on wheels trailer" with a valid zoning permit. No construction trailer shall be located in any required parking space.
4. Any clearing or grading of a site for the installation of the construction trailer or antenna shall be the minimum necessary for the proposed use, but in no event shall the disturbed area, excluding an access road, exceed 5,000 square feet in area. The permit shall include a condition requiring that any disturbed area be restored as close as possible to its original condition.
5. If an existing structure does not provide sufficient height for the antenna, the applicant may erect a temporary pole not to exceed one hundred (100) feet in height.
6. There shall be not more than two (2) vehicles parked on the site at any time.
7. The Zoning Administrator shall require that the use will be appropriately screened from adjacent properties and may require the addition of plantings or the retention of existing vegetation. [Back to Table](#)

9.3.27 Temporary Commuter Parking Lot

Because this parking facility is an interim use of limited duration which benefits the public the following standards shall apply:

- A. The temporary use may be exempt from otherwise applicable Zoning Ordinance standards to the extent Council determines such exemptions shall have no adverse impact on adjacent properties, except as provided below.
- B. The temporary commuter parking lot shall provide adequate circulation within the site and safe and convenient access onto adjoining streets. The circulation plan shall include stripping, number and location of entrances and travel aisles, provisions for the handicapped, and necessary traffic control improvements. Wheel stops must be provided for parking spaces on existing graveled areas.
- C. A plan must be provided which demonstrates safe and adequate lighting in accordance with the requirements of the Design and Construction Standards Manual. [Back to Table](#)

9.3.28 Vehicle Sales or Rental Facilities

- A. Sales rooms, rental offices, or service facilities shall be located within an enclosed building.
- B. The outdoor area devoted to storage, loading, parking and display of goods shall be limited to that area so designated on an approved site plan. Such areas shall not be used for the storage or display of vehicles in inoperable condition as defined in Section 32-147 of the Town Code.
- C. All outdoor areas used for parking, storage, loading display and driveways shall be constructed and maintained with an all-weather dustless surface.
- D. All lighting fixtures used to illuminate outdoor areas shall be designed to avoid glare in surrounding areas. The facility shall be lit only during the hours that the facility is open for business, except for necessary security lighting.
- E. A lighting plan shall be submitted to verify that all lighting fixtures are directed onto the site, and will not impact adjacent properties or roadways. [Back to Table](#)

9.3.29 Vehicle or Equipment Service Facilities

- A. Facilities shall not include an outdoor storage area for any more than four (4) abandoned, wrecked or inoperable vehicles on the site for more than one week, subject to the limitation that there shall be no wrecking, or sale of said vehicles or part(s) thereof. The outdoor areas devoted to storage, loading and/or parking shall be limited to the area so designated on an approved site plan, and shall be screened from the adjacent properties and roads.
- B. All lighting fixtures used to illuminate outdoor areas shall be designed to avoid glare to the surrounding areas. The facility shall be lit only during the hours that the facility is open for business, except for necessary security lighting.
- C. A lighting plan shall be submitted to verify that all lighting fixtures are directed onto the site, and will not impact adjacent properties or roadways. [Back to Table](#)

9.3.30 Veterinary Hospitals

All such facilities shall be within a completely enclosed building. The building shall be adequately soundproofed and constructed so that there will be no emission of odor or noise detrimental to other properties in the area. [Back to Table](#)

9.3.31 Utility Uses

- A. Utility special exception uses shall not be required to comply with the height requirement set forth for the zoning district in which located. However, alternative height requirements may be established in the conditions under which such a special exception is granted.
- B. In all zoning districts, all equipment, and machinery shall be effectively screened. In residential districts, where buildings are proposed, the form and materials shall be as harmonious as practical with adjacent residential architecture. [Back to Table](#)

Accessory Uses (Zoning Ordinance Article 9)

9.4.1 Accessory Dwelling Units

- A. **Maximum Floor Area.** The maximum square footage of an accessory dwelling unit shall be limited to fifty percent (50%) of the total square footage of the principal structure or nine hundred (900) square feet, whichever is less.
- B. **Maximum Building Coverage.** The combined area of the lot covered by the principal and accessory dwelling units shall not exceed seventy (70%) percent of the lot area
- C. **Number.** No more than one accessory dwelling unit shall be permitted in conjunction with a principal dwelling unit or building.
- D. **Density.** The district density shall not be affected by the development of an accessory dwelling unit.
- E. **Separate Facilities.** Cooking and sanitary facilities shall be provided in each dwelling unit. Shared facilities shall not be permitted.
- F. **Basement and Cellar Dwelling Units.** Basement or cellar dwelling units shall be permitted only if all exterior walls of the dwelling unit are at least four (4) feet above the average finished grade level of the adjoining ground.

Single-family Appearance. Except for dwellings located in a building containing commercial or office uses, the appearance of a single-family dwelling unit shall be maintained for the converted structure. No more than one entrance shall be located on the front facade of the building unless the building was originally designed with more than one entrance on the front. Additional entrances shall be placed on the side or rear of the structure. Fire escapes shall be placed unobtrusively on the side or rear of the structure. [Back to Table](#)

9.4.2 Caretaker's Residences

- A. **Standards.** The standards applicable to caretaker's residences shall be the same as those imposed by this Zoning Ordinance on any other accessory structure in the underlying zoning district, except that no landscaping shall be required between the accessory structure and the principal structure.
- B. **Maximum Number of Units.** No more than one (1) caretaker's residence shall be allowed on a lot unless otherwise expressly allowed by this Zoning Ordinance.
- C. **Occupancy.** Caretaker's residences may be occupied exclusively by the caretaker and their immediate family.
- D. **Size.** A caretaker's residence may contain a maximum of 1,000 square feet of gross floor area. [Back to Table](#)

9.4.3 Home Occupations

- A. **Purpose and Intent.** Home occupations are permitted in any dwelling unit subject to the limitations established herein. It is the intent of this section to ensure the compatibility of home occupations with other permitted uses, to preserve the character of residential neighborhoods, and to prevent excessive

noise, traffic, nuisance, safety hazards and other potential adverse impacts of commercial uses conducted in residential areas.

B. Application, Review, and Enforcement Procedures. Any person desiring to establish a home occupation shall submit a Home Occupation Permit application to the Zoning Administrator on a form provided by the town. The Zoning Administrator shall review the application for compliance with this article and other applicable provisions of law and shall make a decision to approve, approve with conditions or disapprove the application within two weeks of the date a complete application is received. The Zoning Administrator may impose reasonable conditions on the conduct of the home occupation use.

1. Duration of Permit. All home occupation permits shall remain valid unless the following occurs:
 - a. Violation of this section, or the conditions of the permit.
 - b. Failure to maintain a current Town of Leesburg business license.
1. Renewal. Home occupation permits may be renewed annually by application to the Finance Department for a business license.
3. Inspection. Home occupation applicants shall permit reasonable inspections of the premises by the Zoning Administrator or the Zoning Administrator's designee to determine compliance with this subsection and the conditions of the home occupation permit.
4. Notice of Violation. The Zoning Administrator upon becoming aware of any violation of this subsection or conditions of the permit, shall serve a notice of violation to the operator of the home occupation in accordance with the provisions of Sec. 17.3.2.
5. Revocation of Permit. The Zoning Administrator may revoke a home occupation permit for violation of this subsection or the conditions of the permit. Notice of such revocation shall be given in writing by the Zoning Administrator to the operator of the home occupation, by hand-delivery or certified mail, setting forth the reasons for the revocation, the date and time upon which the revocation is effective, and the appeals procedure. This provision shall not preclude the use of any other remedy prescribed by law with respect to violations of the provisions of the Zoning Ordinance.

C. Permitted Home Occupations. The following uses may be permitted as home occupation uses, subject to the requirements of this subsection.

1. Artist and sculptor
2. Author and composer
3. Barber shop and beauty shop
4. Caterer
5. Computer programming, data processing, typing and word processing service
6. Direct sale product distribution
7. Dressmaker, seamstress and tailor
8. Family Day Home
9. Home crafts, such as model making, rug weaving, lapidary work, and ceramics, for sale off-site
10. House cleaning service, laundry and ironing service

11. Jewelry making and jeweler
12. Licensed Massage Therapy
13. Locksmith
14. Music lessons
15. Office for professional in fields such as, but not limited to, architecture, drafting and graphics, interior design, engineering, financial planning, and other consulting services
16. Office of a minister, rabbi, priest or other similar person associated with a religious organization
17. Office of a salesman, sales representative, or manufacturer's representative, provided that no retail or wholesale transactions are made in person on the premises
18. Similar use which does not involve retail or wholesale sales transactions in person on the premises or employment of persons other than members of the family occupying the dwelling
19. Telephone answering services and solicitation work
20. Tutoring
21. High-speed Internet access provider
22. Office of real estate broker
23. Office of mobile pet-grooming service
24. Dance Lessons
25. Personal Trainer
26. Other uses determined by the Zoning Administrator to be similar in scope and impact (on the surrounding neighborhood) to those permitted home occupations listed above.

D. Prohibited Home Occupations

The following shall be prohibited as home occupations:

1. Automotive detailing, repair or paint shop
2. (reserved)
3. Day care center serving more than five children
4. Dog grooming service
5. Funeral chapel, funeral home
6. Gift shop
7. Landscape contractor
8. Limousine, hearse, ambulance or taxi service
9. Massage parlors
10. Medical or dental laboratory and/or office
11. Nursing homes
12. Outdoor repair or service
13. Palm reader/clairvoyant
14. Psychiatrist
15. Rental of any equipment or other items
16. Restaurant

17. Veterinary hospital and/or office
18. Welding or machine shop
19. Wrecking, repossession and/or towing service
20. Other uses determined by the Zoning Administrator to be similar in scope and impact (on the surrounding neighborhood) to those prohibited home occupations listed above.

E. Use Limitations

In addition to the regulations applicable in the zoning district in which located, all home occupations shall be subject to the following limitations and requirements.

1. Location. A home occupation shall be conducted entirely within a dwelling which is the bona fide residence of the principal practitioner or in any building accessory thereto which is normally associated with a residential use; provided, however, that no home occupation requiring water and/or sewer facilities (other than an artist) shall be conducted within an accessory structure other than a permitted accessory dwelling.
2. Merchandise Sales and Storage. No storage or display of goods shall be visible from outside the structure. In addition, no direct sales of products off display shelves or racks is permitted, but orders made by telephone or at a sales party may be filled on the premises.
3. Exterior Alterations. No alterations to the exterior appearance of the principal residential building, any accessory structure, or premises shall be made which changes the residential character of the property except that one (1) transmission antenna not to exceed five feet (5') in height, including the mounting apparatus, may be erected on the roof of the principal structure in the case of a high-speed internet access provider. Freestanding antennas are not permitted. Panel antennas are not permitted. Width of the antenna shall be no more than two inches (2").
4. Heavy Equipment and Toxic Materials Use or Storage. No use or storage of heavy vehicles or heavy equipment shall be permitted. Furthermore, no toxic, explosive, flammable, combustible, corrosive, radioactive or other dangerous or hazardous materials shall be used or stored on the site.
5. Limitation of Floor Area. No home occupation shall be permitted which comprises more than twenty-five (25%) percent of the gross floor area of the residence, nor more than four hundred (400) square feet of a permitted accessory structure, except that artists may use up to seven hundred (700) square feet of gross floor area.
6. Employees. (a) Members of the family occupying such dwelling may be employed on the premises in connection with the home occupation. (b) One employee, other than members of the family occupying such dwelling, shall be permitted to work on-site given one additional off-street parking space is provided.
7. Level of Activity. The use of the dwelling unit for a home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and shall under no circumstances change the residential character thereof. The Zoning Administrator may add, as a condition of the permit, limitations on the number of business-related visitors per day and/or the frequency of product or material deliveries.

8. Traffic, Parking. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood. Any need for parking generated by the home occupation is required to be on-site and shall be done in a manner which protects the residential character of the area and the visual appearance of the residence.
9. Equipment, Processes. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the premises. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises.
10. Signs. No signs accessory to such home occupation shall be displayed except as otherwise permitted or authorized by town regulations.
11. Licenses, Permits. A home occupation shall comply with all applicable town laws and regulations, including the need to obtain applicable business licenses and permits. In addition, home occupations shall comply with all applicable county, state or federal regulations governing the activity.
12. Family Day Home subject to the requirements of section [9.1.11.1](#).
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9.4.4 Emergency Shelters

A. Emergency Shelters shall be allowed as accessory uses to churches, middle and high schools, and public buildings serving government or social service functions, subject to the limitations established herein.

B. Use Standards:

No accessory emergency shelter use shall be permitted unless it is determined that the following requirements are met. It shall be the applicant's responsibility to demonstrate compliance with these standards in a plan to be submitted with the Zoning Permit application. The Zoning Administrator may impose reasonable conditions to include neighborhood community outreach on the proposed use to ensure compliance with these standards or other applicable provisions of law. The plan must demonstrate compliance with the following standards. Upon approval of the applicant's plan, and prior to operation of the shelter, a zoning permit will be issued by the Town of Leesburg. The permit shall be renewed by July 1 of each year provided that the shelter has operated according to the approved plan and all conditions set forth below. If the shelter has not maintained compliance, the zoning permit may be revoked pursuant to subsection 9.4.4.C, below.

1. Adjacent uses shall be suitably protected from any adverse effects of the use including noise and glare. The use shall not create hazardous conditions for vehicular or pedestrian traffic, or result in traffic in excess of the capacity of streets serving the use.
2. Adequate refuse management, security, emergency services, and similar necessary facilities and services shall be available for the temporary use, and all necessary sanitary facilities shall be approved by the appropriate health agency.
3. The site is suitable for the proposed use and the use shall not have a substantial adverse impact on the surrounding neighborhood.

4. Emergency Shelters shall be accessory uses to churches, middle and high schools, and public buildings serving government or social service functions.
5. Air temperature, wind chill and/or heat index must be forecast at a level below 45 degrees or above 95 degrees to open the emergency shelter.
6. Accessory Emergency Shelter hours of operation shall not exceed 12 hours in a 24 hour day.
7. Upon issuance of a Wind Chill Advisory, Winter Storm Warning, Blizzard Warning, or Excessive Heat Advisory by the National Weather Service Office in Sterling VA, or other similar alert, the Emergency Shelter shall be permitted to remain open in excess of the time regulations set forth in 9.4.4.B.1.f.
8. All facilities shall have trained volunteer(s) or staff overseeing the Accessory Emergency Shelter at all times.
9. Emergency Shelter Sign. One sign not to exceed four (4) square feet in area with the message content limited to the name of the shelter and information that the shelter is open for business. The sign shall be permitted and displayed on the lot only when the conditions set forth in Sections 9.4.4.B.1.e and 9.4.4.B.1.g are forecast. A sign permit shall not be required but all other applicable regulations of this Zoning Ordinance shall apply.
10. To help ensure protection of neighboring properties, the Emergency Shelter shall have written rules of conduct for residents as well as a written plan for handling complaints.
11. Existing parking shall be sufficient to handle the use as an Emergency Shelter.
12. The plan shall demonstrate that no loitering at the site will occur once the accessory emergency shelter closes. The submitted plan shall also contain provisions for dispersal of patrons arriving on foot and patrons driving or transported to the facility upon closure of the facility.
13. The shelter shall agree in writing to abide by rules and regulations of the Loudoun County Continuum of Care Policy and Procedures Manual.
14. Prior to issuance of the Zoning Permit, the applicant must post the property at all street frontages notifying the neighborhood of the pending application for an Emergency Shelter. The property must be posted for fourteen (14) business days prior to the issuance of the Zoning Permit. Should written objection to the issuance of the Zoning Permit be received by the Zoning Administrator within this mandatory notice period the application for the Emergency Shelter shall appear on the next available Town Council docket for review. Should no written objections be received by the Zoning Administrator within fourteen (14) business days and all other use conditions are met, the Zoning Administrator shall issue the Zoning Permit for the Emergency Shelter.
15. Applicants seeking to open an Accessory Emergency Shelter not meeting the above Use Standards may apply for Special Exception approval from Town Council.

C. Revocation of Permit

The Zoning Administrator may revoke the zoning permit at any time upon the failure of the owner or operator of the use covered by the permit to observe all requirements of the permit, this article, and other relevant provisions of law. Notice

of such revocation shall be given in writing by the Zoning Administrator to the owner or operator of the use, by hand-delivery or certified mail, setting forth the reasons for the revocation, the date and time upon which the revocation is effective, and the appeals procedure. This provision shall not preclude the use of any other remedy prescribed by law with respect to violations of the provisions of this Zoning Ordinance.

D. Appeal

In the case of an appeal from the Zoning Administrator decision of revocation or denial of a zoning permit, the aggrieved party shall request a meeting with the Zoning Administrator. Within two (2) business days of the meeting, the Zoning Administrator shall inform the aggrieved person, in writing, of the decision to affirm, modify, or rescind revocation of the permit. Any person aggrieved by the action of the Zoning Administrator in the revocation or denial of a zoning permit may appeal the decision to the Town Council. The aggrieved shall submit a written narrative providing reasons behind the appeal along with the date and reasons for the Zoning Administrator's revocation or denial of the zoning permit. The request will be placed on the next available Town Council docket for discussion and action.

E. Emergency Preparedness

Nothing contained herein shall supersede language found in the Town Emergency Preparedness Ordinance. [Back to Table](#)

9.1.2 Display of Merchandise

- A. Businesses within the H-1 Overlay, Old and Historic District and within the public-right-of-way shall comply with the requirements of Town Code Chapter 30 Streets, Sidewalks and Other Public Places.
- B. Outside of the H-1 Overlay, Old and Historic District, business merchandise may be displayed in the pedestrian travel aisle immediately adjacent to the front of the building, provided that such area be limited to a depth of 6 feet measured from wall of the building and that the pedestrian travel aisle maintains sufficient width, as required by the Americans with Disabilities Act (ADA).
- C. Seasonal outdoor display of merchandise such as, but not limited to, summer garden products, plants, and similar products may be permitted in a commercial parking lot on the same lot as the business selling such wares. The outdoor display may only be permitted in parking spaces in excess of the minimum required by Article 11 (Parking, Loading, and Pedestrian Access) of this Ordinance. Seasonal outdoor display of merchandise in parking lots shall be limited to a period of three (3) consecutive months with a maximum of two (2) zoning permits within a calendar year. Prior to the issuance of a zoning permit, in accordance with Sec. 3.7 (Zoning Permits), the applicant must demonstrate that the seasonal outdoor display area(s) shall comply with the following:
 - 1. Vehicle travel aisles will be kept clear for vehicular traffic;
 - 2. Parking lot display areas must be located in such a manner as to provide safe pedestrian circulation;
 - 3. Merchandise displayed cannot exceed eight (8) feet in height;
 - 4. Display areas shall not exceed the area of eight (8) standard size parking spaces (i.e. 9'x18') and display areas shall be enclosed on at least three sides and not exceed eight (8) in height. [Back to Table](#)